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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,905

01/28/2005

Manabu Kayamori

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01/10/2006

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EXAMINER

ROUTIER, RAMSES P

ART UNIT

PAPER NUMBER

2688

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/523,905	Applicant(s) KAYAMORI, MANABU	
	Examiner Ramses Routier	Art Unit 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/28/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed 1/23/2003 has been considered.

Drawings

3. The drawings were received on 1/23/2003. These drawings are acceptable.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umemoto et al (US Patent No 6049722) in view of Dent et al (US Patent No 5745523 Hereinafter Dent).

Regarding claim 1, Umemoto et al discloses in figure 2b a radio unit control circuit to support an audio decoding unit (col. 3, lines 55-50). Umemoto further teaches a DSP having a function for performing error correction encoding/decoding, a function for performing speech encoding/decoding to ensure an encoded data stores the audio signal recorded by the audio recording and decoding unit (col. 4, lines 50-56). Umemoto does not disclose a call receiving sound output unit for outputting the audio data decoded by the audio decoding unit as a call receiving sound. Dent et al discloses, in figure 7 an audio signal coming from the microphone, link to the microprocessor and the DSP part able to convert from digital to analog for PCM digital data to outputting the audio data decoded by the audio decoding unit as a call receiving sound (col. 15, lines 42-48). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the technique of Dent et al within the system of Umemoto et al to allow a communication control unit to switch a base station characterized by the function of an audio decoding unit in another circuit block.

6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umemoto et al (US Patent No 6,049,722 hereinafter Umemoto) in view of Dent et al (US Patent No 5,745,523 hereinafter Dent) as applied in claim 1 above, and further in view

Of Kanai (US PAT. 6,233,462).

Regarding claim 2, Umemoto discloses in figure 1 a hand set transmission speech signal output from the hand set microphone item 4b to input a communication control unit for switching a base station characterized by the function of the audio decoding unit (col.4, lines 10-14). Umemoto and Dent do not disclose an encoded and data storing unit for storing the audio data encoded and decoded by the audio encoding and decoding unit. Kanai (US Patent No 6233462) teaches in figure 2 a calling sound level control unit (item 33) to control the calling sound outputted from a loudspeaker (item 6) (col. 4, lines 6-8). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the technique of Kanai within the system of Umemoto et al and Dent et al. in order to allow the field of their endeavor to benefit this technique and make sure its use is desirable for many applications.

Regarding claim 3, Umemoto discloses a radio signal transmitted from a base station via a predetermined radio channel to encode the audio signal characterized by the inputted audio signal (col. 4, lines 27-35). Umemoto and Dent do not disclose the portable telephone characterized by the inputted audio signal by an ADPCM system and the audio decoding unit to decode the inputted audio data by the ADPCM system. Kinai (US Patent 6233462) teaches the audio signal using an ADPCM system to reduce the ambient noise level to avoid uninterrupted noise by making the portable terminal device operate in a very low noise environment (col. 4, lines 54-57). In doing so, the noise component of the audio signal inputted to the audio encoding unit is removed, so

Art Unit: 2688

that the easily audible call receiving sound can be recorded and reproduced. The motivation is to provide the system a good environment to operate without interference.

Claim Objections

7. Claim 4-5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claim 4-5 has not been further treated on the merits.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramses Routier whose telephone number is 571-272-8893. The examiner can normally be reached on Monday-Friday 7:30 am - 4:00 pm ETS.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2688

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rroutier *RR*
November 23, 2005

JEAN GELIN
PRIMARY EXAMINER

Jean Allard Gelin 10/28/05